

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
	)	
W.R. Grace & Co., et.al.,	)	Case No. 01-1139 (KJC)
	)	
	)	(Jointly Administered)
<u>Reorganized Debtors.</u>	)	
	)	
MARYLAND CASUALTY COMPANY,	)	
n/k/a ZURICH AMERICAN	)	
INSURANCE COMPANY,	)	
	)	
Movant,,	)	Contested Matter
	)	<b>Re: Docket Nos. 32999, 33021, 33027, 33037,</b>
	)	<b>33042, 33049, 33051, 33052, 33053</b>
v.	)	
	)	
ROSE ROBERTS,	)	
PERSONAL REPRESENTATIVE OF	)	
THE ESTATE OF JAMES W. ROBERTS,	)	
DECEASED,	)	
	)	
<u>Cross-Movant.</u>	)	

**STATUS REPORT**

Maryland Casualty Company, n/k/a Zurich American Insurance Company (“MCC”), filed a Motion to Enforce the Permanent Channeling Injunction and for Sanctions [D.I. 32999] on January 29, 2018, against Libby Claimant Rose Roberts, Personal Representative of the Estate of James W. Roberts, Deceased, and other similarly situated claimants (the “*Roberts* Motion”). On April 17, 2018, Rose Roberts filed an Opposition and Cross-Motion to Stay and/or Dismiss the *Roberts* Motion [D.I. 33021] (the “Cross-Motion”). MCC filed a Reply in Support of the *Roberts* Motion [D.I. 33027] on April 25, 2018. The Court heard argument on the Roberts Motion and the Cross-Motion on April 30, 2018. D.I. 33037.

On June 8, 2018, the Court entered an Order [D.I. 33042] withholding ruling on the *Roberts* Motion and Cross-Motion pending the Third Circuit Court of Appeals' issuance of an opinion in *Continental Cas. v. Carr (In re W.R. Grace & Co.)*, 2016 WL 6068092 (Bankr. D. Del. Oct. 17, 2016), No. 17-1208 (3d Cir.) (the "*Continental* Action").

On August 14, 2018, the Third Circuit issued its opinion in the *Continental* Action, affirming in part and vacating and remanding in part. *In re W.R. Grace & Co.*, 900 F.3d 126, 137-39 (3d Cir. 2018). On August 15, 2018, Judge Gross issued an Order [D.I. 33049] inviting the parties to the *Roberts* Motion and Cross-Motion to submit letters addressing the effect of the opinion in the *Continental* Action on the cross-motions. Both parties submitted letters in response to the Court's Order. See D.I. 33051, 33052 (copies attached).

The Third Circuit issued its mandate in the *Continental* Action on September 5, 2018. On September 14, 2018, Chief Judge Sontchi reassigned to Your Honor the *Roberts* Motion and Cross-Motion, the *Continental* Action, and a separate Adversary Proceeding, *Barbara Hunt et al. v. Maryland Casualty Co.*, Adv. Pro. No. 18-50402 ("*Hunt* Action"). D.I. 33053. Separate status reports are being submitted in the *Continental* Action and the *Hunt* Action.

Dated: October 11, 2018

Respectfully submitted,

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